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BALLOT LAWS AND THEIR WORKINGS

NO political movement in this country ever made more rapid progress than that which had ballot reform for its object. Starting with the passage of the Australian ballot law in Massachusetts, in 1889, the idea spread from state to state until, at the presidential election of 1892, no less than thirty-five states were using the officially printed secret ballot in some form, and now all but three are on the list. It was perhaps natural, however, in view of the particular evils which this reform was intended to combat, that its advocates should have concentrated their attention almost wholly on the prevention of trickery in the preparation of ballots and the protection of the voter in the free exercise of the franchise. While the fight was on to secure these essentials, all other aspects of the question were regarded as of secondary importance. Thus, when it was once assured that the ballot should be printed by the public authorities, that the voter should have an opportunity to mark it in private without anyone else knowing how he voted, that it should be duly checked and correctly counted once and only once in the presence of representatives of all parties, it did not so much matter in what particular fashion the ballot was printed nor how the names on it were arranged. On these points, therefore, there have always been the widest differences. It is the purpose of this paper to show not only that the form of the ballot has a very powerful influence on the results of elections, both as regards the freedom of the voter in making his choice and the accuracy with which he records it, but also to bring out, so far as possible, the precise effects produced by each variety of form.

It is pointed out by Bryce and others as one of the advantages of our system of state governments that these commonwealths can make political experiments of all sorts and profit by one another's experiences. In this matter of ballot legislation they have certainly exercised to the full their prerogative of experimenting. State legislatures are perpetually tinkering their ballot laws in one particular or another. It cannot be said, how-

ever, that they have profited by each other's successes and failures. In the changes made no general tendencies are to be observed. Indeed, in the last few years, it has occasionally happened that two state legislatures have almost simultaneously taken action of diametrically opposite effect, each one adopting with high hopes a form of ballot which the other was just abandoning in disgust. To-day, after seventeen years of experience, the diversity of legislation in this country is certainly as great as when the secret ballot was a novelty.

Take the mere matter of size and shape. The voter in Wisconsin unfolds in the booth a huge blanket sheet which in 1904 measured thirty-five inches by twenty-four. In Florida in the same year he made his marks on a narrow strip three and one-half inches wide and thirty-two and one-half inches long. From these the styles run all the way down to the sheet of hardly more than note-paper size used in Maine (10 x 8) and Oregon (8 x 12). A number of the states undertake to help out the illiterate voter by a picture gallery of party emblems, but even in this no party adheres everywhere to one design. The Socialists come nearest to uniformity, two clasped hands in front of a globe being their emblem in Alabama, Delaware, Indiana, Kansas, Kentucky, Louisiana, and New Hampshire, though a torch heads their column in Michigan, Ohio, New York, and Utah. The Prohibitionists are at the other extreme. The only emblem on which any two of their state organizations agree is the sun rising over a body of water. This emblem is used in Indiana and Kansas. They have hatchets in Alabama, a house and yard in Delaware, a phoenix in Kentucky, an armorial device in Michigan, an anchor in New Hampshire, a fountain in New York and a rose in Ohio. The Populists show nearly as much variety, using a combination of plough, pick and saw in Alabama, an anvil in Delaware, a liberty bell in New York, a plough in Indiana and Kentucky, a frame cottage and a tree in Kansas, a factory marked "producers unite" in New Hampshire, and a flag-covered box labeled "Jefferson, Jackson and Lincoln" in Michigan. An eagle is the commonest device of the Republican party and a gamecock of the Democratic; but the former party is represented by a statue of Vulcan in

Alabama, a log cabin in Kentucky, an elephant in Louisiana, and a portrait of Lincoln with the flag as background in Michigan, while the Democrats have a plough in Delaware, a flag in Michigan, and a star in New Hampshire and New York. On more important statutory details there is just as wide disagreement. The voter must use a rubber stamp in California, Indiana and Louisiana, ink in West Virginia, an indelible pencil in Maryland, a black lead pencil in New York. He makes his mark at the right of each favored candidate's name in California, Idaho, Kentucky, Massachusetts, Mississippi, Nebraska, New Hampshire, Pennsylvania, Rhode Island, Vermont, Washington, Wyoming, Louisiana, Colorado and Utah; to the left in Alabama, Illinois, Indiana, Iowa, Michigan, Montana, New York, North Dakota, South Dakota, Oregon and Ohio, and under the middle of the name in Wisconsin.

These superficial dissimilarities, however, merely reflect the diversity that exists in regard to fundamentals. The especial point to be considered first is the relative ease with which under different ballot laws a split ticket and a straight ticket may be voted. So far as this matter is concerned, the mere shape and mechanical arrangement of the ballot is by no means decisive. As will appear later, two states may have official ballots practically identical, so far as the printer's work is concerned, and yet, by reason of the statutes prescribing the method of marking, one of these may offer the greatest encouragement to the independent voter while the other puts the heaviest penalty on all but the straight party man.

For the purposes of classifying such enactments we will take in each state the hypothetical case of two voters: A, who desires to vote the straight Republican ticket, and B, whose choice falls on a Democrat for governor and Republicans for all other offices. At our imaginary election there are to be chosen ten presidential electors and ten state and local officers. In many of the states B, the independent voter, has the choice of several methods of recording his preferences. Where such choice exists, it is here presumed that he will choose the method involving the least mechanical difficulty or labor. Generally speaking, the independent voter is the intelligent voter, and after

informing himself of the provisions of the ballot law in his state, he will save himself unnecessary trouble by taking the shortest cut.¹

The commonest ballot is the party-column type, modifications of which were used in twenty-three of the forty-five states at the last national election. These all agree in having the full ticket of each party printed in a single column, usually so arranged that all candidates for a given office have their names in the same horizontal line. In voting such a ballot five different methods are in vogue.

1. A makes a separate mark opposite each of the twenty names in the Republican column. B makes nineteen in that column and one opposite the Democratic nominee for governor. This is the rule in Montana.

2. A makes a single mark at the head of the Republican column. B does the same, and makes an additional mark opposite the name of the Democrat for governor. This is the rule in California, New York, North Dakota, Washington, South Dakota, Illinois, Ohio, Wisconsin and Kentucky.

3. A makes a single mark at the head of the Republican column. B does the same, then draws a line through the name of the Republican candidate for governor, and makes a mark opposite the Democrat. This is the rule in Michigan, New Hampshire, Utah, Wyoming, Idaho and Alabama.

4. A makes a single mark at the head of the Republican column. B makes twenty marks, one opposite the Democrat for governor and nineteen opposite the names of all other officers in the Republican column. This is the rule in Iowa, Louisiana, Kansas, Vermont and Indiana.

5. A designates the Republican column (either by a cross or by drawing a line down the others). B does the same, and then inserts the Democratic gubernatorial candidate's name in that column, either by paster or by writing it in, although that

¹This is not necessarily true, however. In New York, for instance, some questions regarding the meaning of the ballot law have never been judicially determined, and it is said that for this reason many lawyers invariably adopt a method of splitting their tickets which, while more difficult than one of those prescribed by the directions of the ballot, is certainly authorized by the dubious phraseology of the statute.

name is already printed on the ballot in an adjacent column. This is the rule in Delaware, Maine and West Virginia.

6. The next form of ballot is virtually the foregoing one cut into strips. The voter receives a bundle of official ballots, one slip for each party. A deposits the Republican slip without alteration. B pastes or writes in the name of the Democrat for governor. This is the rule in Connecticut, Missouri, New Jersey and Texas.¹

7. Georgia, North Carolina and South Carolina are the three states which have no official ballots. The candidates or party organizations usually prepare and distribute the ballots, which may be written or printed or partly written and partly printed. A and B can prepare the kinds they want in any way they please, conforming merely to certain regulations regarding size and quality of paper.

The fourteen remaining states arrange the names on the ballot by offices instead of by parties. There are six varieties to be noted.

8. The names of candidates for each office are placed within a separate "box" or printed margin, arranged in alphabetical order, and each followed by the name of the party making the nomination. A and B must both pick out and mark their candidates one by one. (They will make eleven marks apiece if there is provision for voting all ten electors at once, and twenty marks apiece if there is not.) This is the rule in Massachusetts, Rhode Island,² Oregon, Nevada and all but eleven counties of Maryland.

9. The names within the "boxes" are not arranged alphabetically, but in the same order of parties for each office. The party name is printed after each name. Thus A finds the Republican candidates invariably first on the list (or second, as the case may be), and B can follow the same uniform rule except as regards the governorship. This is the rule in Minnesota.

¹ The Texas legislature has since passed a law providing a ballot of the party-column type to be voted by striking out the names of all candidates except those favored.

² The legislature of 1905 abolished this in favor of a ballot of type three.

10. The names are not in alphabetical order, and those for each office are merely printed in a close group without the ruled line to separate them. Instead of marking opposite the desired name, the voter strikes out all except that one. A and B thus make the same number of erasures. This is the rule in Arkansas and Virginia.

11. The names are grouped by offices, but the party of each is not designated. This is the rule in Florida, Mississippi, Tennessee and eleven counties of Maryland.

12. There is a "box" for each office, the names are arranged in alphabetical order with party designation, but across the top is printed, "I hereby vote a straight ——— ticket, except where I have marked opposite the name of some other candidate." A simply writes the word "Republican" in the blank. B does the same, afterwards making a mark opposite the name of the Democrat nominated for governor. This is the rule in Colorado.

13. There is a "box" for each office with party designation, but somewhere on the ballot a space is provided for voting a straight ticket of each party. The electors are so arranged that all can be voted by one mark. A makes one mark in the straight ticket space. B makes eleven marks, picking out his candidates from each party group. This is the rule in Nebraska and Pennsylvania.¹

Thus at one extreme are the states in which the independent voter in the hypothetical case is put to twenty times as much mechanical labor in voting as the hide-bound partisan, and at the other extreme, those in which the two are put to exactly the same amount of trouble in voting. Iowa and Montana have ballots which look as much alike as the pages of two conserva-

¹ Some of the changes of the last ten years are indicated by comparing the above list with the classification contained in the *Nation* of January 4, 1894. Ballot-reform laws had then been passed in thirty-six states of which thirty-three had blanket ballots. "Alphabetical order:" Alabama, Arkansas, California, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, Washington, Wyoming. "Party group and name:" Illinois, Iowa, Kansas, Maine, Missouri, Pennsylvania, West Virginia. "Group, name and emblem:" Colorado, Delaware, Indiana, Kentucky, Maryland, Michigan, Ohio. "Separate ballots:" Connecticut, New Jersey, New York.

tive newspapers, yet they are at opposite poles as regards the premium they put on straight ticket voting.

The Colorado ballot, but for a single printed line, would be extremely like that of Massachusetts, yet, it really stands on an exact parity with New York's or Ohio's as regards the ease of split ticket voting. Pennsylvania's ballot does not look like that of Kansas, yet, on analysis they are seen to differ essentially only in the provision which lets the Pennsylvanian vote for all the state's presidential electors at once, by a single X mark.

To determine just how much influence these differences actually have on the result of elections, it is only necessary to examine the returns classified on the basis here outlined. In only a few states is a report made of the total of straight and split tickets voted, but there are several ways in which the proportion can be approximately ascertained. The method adopted in preparing the tables which follow, may best be explained by an example. In Kansas, for instance, in 1904 the Democratic candidate for governor had 38.52 per cent of the combined Republican and Democratic vote, while on the presidential vote of the two great parties the Democratic percentage was only 28.67. The difference between these figures, 9.85 per cent, may be taken to represent the net amount of independent voting as between the presidency and governorship. Obviously the result would be the same if figured from the Republican percentages. In this instance the Democratic state candidate who ran farthest ahead of his ticket was the nominee for state treasurer with 45.18 per cent of the combined vote of the two great parties. The insurance superintendent had the smallest proportion, 37.68. The difference between these is 7.5 per cent. A third figure has been obtained in every case by comparing the vote for the minor state offices, omitting governor, and a fourth by subtracting each party's worst from its best—in this case, insurance superintendent and presidential elector, giving 16.59 per cent.¹

¹ It is evident that by this method the amount of independent voting can never be overstated, while it may be materially understated in some cases. For example, in

The groups include every state which chose any state officers at the same election with presidential electors in November, 1904, except in a few southern states where there was practically no opposition party.

I. Each candidate to be marked separately, unless all are on one party ticket, when a single mark suffices :

	PRESIDENT AND GOVERNOR	WIDEST RANGE	STATE OFFICES	MINOR STATE OFFICES
Iowa		1.10	.34	.34
Louisiana	1.99	.99	.29	.29
Kansas	9.85	16.51	7.50	7.50
Indiana	.80	.80	.43	.06
Average	3.88	4.85	2.14	2.04

II. A name to be written in or pasted for every candidate voted not on one party ticket :

	PRESIDENT AND GOVERNOR	WIDEST RANGE	STATE OFFICES	MINOR STATE OFFICES
Connecticut	3.43	3.43	2.96	.88
Missouri	5.25	5.25	4.36	1.23
New Jersey	3.56	3.56		
Texas	6.96	6.96	.51	.05
Delaware	1.77	1.77	.67	.17
West Virginia	5.27	5.27	3.46	.39
Average	4.24	4.39	2.39	.54

III. An additional mark and an erasure to be made for every candidate voted not on one party ticket :

	PRESIDENT AND GOVERNOR	WIDEST RANGE	STATE OFFICES	MINOR STATE OFFICES
Michigan	17.01	17.01	12.58	2.07
New Hampshire	2.24	2.24		
Utah	7.92	7.92	4.14	.73
Wyoming	10.34	10.34	2.70	1.76
Idaho	4.91	4.91	4.90	1.49
Average	8.48	8.48	6.08	1.51

IV. An additional mark to be made for every candidate voted not on one party ticket :

states like Missouri and Wisconsin, where ticket-splitting took place, so to speak, in both directions, the figure here will represent merely the net result and not the total amount of such selection.

	PRESIDENT AND GOVERNOR	WIDEST RANGE	STATE OFFICES	MINOR STATE OFFICES
New York	3.08	3.08	1.88	1.05
North Dakota . . .	4.54	4.54	2.63	1.45
Washington	22.63	22.63	11.39	6.24
South Dakota . . .	3.29	3.29	1.07	.22
Illinois	.45	2.55	2.10	2.10
Ohio		2.00	.12	.12
Wisconsin	12.99	12.99	6.23	1.96
Colorado ¹	9.43	9.43	5.68	2.42
Average	8.06	7.30	3.88	1.94

V. Each candidate to be marked separately in every case:

	PRESIDENT AND GOVERNOR	WIDEST RANGE	STATE OFFICES	MINOR STATE OFFICES
Massachusetts . . .	15.00	15.00	13.90	5.92
Rhode Island . . .	11.87	11.87	9.83	6.28
Minnesota	31.07	31.07	20.29	11.32
Montana	18.38	18.38	9.60	3.95
Nevada		14.27	.87	.87
Average ²	19.08	18.11	10.89	5.66

¹Computed from returns as originally certified. The throwing out of precincts in the Adams-Peabody contest would affect the absolute but not greatly the relative pluralities.

²For the sake of comparison the notable instances of independent voting in past years may be computed in the same way. In 1888 when Hill was elected governor of New York, though Harrison got the electoral vote of the state, the difference was only 1.31 per cent. In 1892 when Massachusetts elected Russell governor while supporting Harrison, the difference was 3.8 per cent. In 1900, the state of Washington elected Rogers governor while choosing McKinley electors, the difference being 6.2 per cent. These were the only cases in the last five elections of any state's choice of a governor of one party and electors of the other. Lind in Minnesota was beaten for governor in 1900 by 2,470, though McKinley carried the state by 76,963. This meant 12.4 per cent of ticket-splitting. This banner performance was surpassed in five states in 1904. The results of the 1905 election in New York City also deserve mention. The election of Mr. Jerome for district attorney, though he was independently nominated and his name did not appear in any of the regular party columns, was an event probably without precedent in any community using a ballot similar to that of New York. The method of computation used in the tables can not be applied to this case. However, nearly every Jerome vote must necessarily have been on a split ballot, and his percentage of the total vote for district attorney, 38.6, may serve as an approximate measure of the discrimination exercised in this remarkable election. At the same time the 13,348 votes received by the Republican candidate who had formally withdrawn were monuments to the influence of the straight-ticket circle. Jerome's own large vote was only made possible by lavish advertising to show how a split ticket might be voted in his favor.

The most important point brought out by these figures is that, in the states where the marking of each individual candidate is compulsory, the voters—whichever column be taken as the basis of comparison—have exercised more than twice as much discrimination among candidates as in any other group, and from four to ten times as much as in the lowest group of each column.

Next after these stand the two groups of states in which, while the straight ticket voter is favored by being allowed to record his choice at a single operation, the split ticket voter is not put to the necessity of marking his presidential electors one by one. There is no considerable difference between the figures for the two groups, however. It does not apparently act as a deterrent to require that the voter who marks a name outside of his chosen column must also obliterate the corresponding name in that column. In fact it seems to work the other way. This can be explained on psychological grounds. It simply "seems natural" to scratch out the name of the rejected candidate and makes assurance doubly sure that the voter's intent will be understood and the vote as marked correctly counted. This consideration appears to compensate fully for the additional labor involved.

Of lowest rank in respect to the amount of independent voting are the group of states which require writing in or pasting of names when the voter favors nominees of more than one party, and the group which, while letting off the straight ticket man with one mark, impose on the independent the drudgery of marking every presidential elector as well as state and local candidates. One very important difference is to be noted, however, between the figures for these two types. While a fair amount of independence is shown by voters in the former group it is almost solely with reference to one office, the governorship. The discrimination among minor state offices is relatively much less than in any other group. In the split-ticket mark-all group, though in only one of the four states was there any considerable amount of independent voting, there was proportionately more difference as regarded these minor state officers. Both these forms put a somewhat heavy penalty on independent voting, the

difference being that in one case the penalty is cumulative, while in the other it is not. For the Missourian who picks out a Republican ballot, it is exactly twice as much trouble to vote for two Democrats as to vote for one. On the other hand, for the Iowa Republican, while it is a troublesome matter to vote for any Democrat at all, there is no extra difficulty in voting for two, three or four. In the first case there may be many voters who scratch one or two important names on their party ticket, but few who will do more. In the latter, though the number who vote split tickets at all may be small, a good proportion of these, having taken the plunge, make the utmost use of their opportunity by scrutinizing all the candidates closely.

These figures furnish no evidence that the arrangement of names in alphabetical order when grouped by offices has any effect to encourage the disregarding of party lines. Nor is there anything to show that the group by offices itself—in spite of the general impression to that effect—is any more favorable to independent voting than the party-column plan, provided the rules for marking are the same. The data here are admittedly insufficient to warrant any general conclusion, but it is worthy of note that the state which stood at the head of the list in respect to independent voting in 1904 was one in which the alphabetical order did not prevail, and the one which stood third in “greatest range” used the party column, though without the straight ticket circle.

It is of course, true that the states in which a strong sentiment of non-partisanship exists are the ones likely to adopt ballot laws which will encourage independent voting and *vice versa*, so that what appears as effect may be in reality partly cause. Moreover it is self-evident that, unless there is some reason for preferring certain particular nominees of different parties, voters will not have occasion to split their tickets, no matter how easy that process is made, while if there is a burning issue, they will not be hindered by any petty difficulties. But the comparison by groups minimizes the force of these objections. No one probably, if asked to name the five states of most independent proclivities in politics, would pick out those placed in the last group, yet the lowest of these makes a showing for discrimination in

voting which is only equalled by three others outside of this particular group. Only that number, in fact, can be said to be important exceptions in the groups where they are placed. Were Washington, Michigan and Kansas to be omitted, the results of the tabulation would be still more striking.

Of special significance is the fourth column, in which is shown the degree of discrimination exercised by voters in filling the minor state offices. The head of the state ticket naturally has a very prominent place in the campaign, and his popularity or unpopularity alone is likely to affect largely the first three figures which represent the independent voting of a state. As a matter of fact, in all but one of the states in which that office was to be filled, in 1904, the candidate for governor was either the most or the least successful of his party's state candidates. The scanning and selection of the lists of less important officers, however, is as sure an indication as could be devised of really intelligent and independent voting. Moreover, as regards these tickets, there is no reason to suppose that there would be much difference in the material to choose from in the various states. It is certain that everywhere some men on the state ticket will be better than others. That the differences are more pronounced in this than in the other columns is strong proof of the important part which the ballot itself plays in inducing voters to disregard party lines in recording their preferences.

Under a popular government we can hardly do otherwise than assume that the voter goes to the polls with some sort of distinct idea in regard to the candidates to be voted for. It is plain, however, that some of his preferences are so slight or so vague that he will record them if it is convenient to do so, but waive them if he is put to extra trouble on their account. Those who believe in the straight-ticket circle or square always assert that it is merely a convenience to the straight-ticket man and not in any sense a deterrent to the independent. They are fond of pointing out the almost ridiculously small amount of labor which the voting of even the most complicated ticket involves.¹ The important effects produced, as we have seen,

¹ "It cannot reasonably be said that because one voter may more quickly prepare

by apparently trivial differences, are seemingly to be explained by considering the voter's fear lest his ballot be invalidated by an error in marking it. In a state like New York party watchers at the polls are provided with little books describing the various combinations of marks which may and may not be counted, and many cases arise in which determination is a difficult matter. Unfortunately statistics of the number of rejected ballots are available in very few states, and even when published cannot fairly be compared by reason of the different provisions governing the throwing out of ballots.

Other things being equal, many more votes will be thrown out in a state where any technical error invalidates than one where the rule is to count whenever the voter's intent can be determined.¹

Some indications on this point, however, are furnished by the returns for presidential electors in the several states. As commonly published the "presidential returns" are made up simply by taking in each state the vote for the highest elector of each party. How much higher this vote is than that for the corresponding lowest elector is seldom noted in the almanacs and often not even in the officially published returns. Yet there is

his ballot than another the election is not free to both alike. Each votes as freely as the other, but in doing so the one who, in a spirit of independence and in the exercise of his absolute right to be independent, makes up his own ballot must and does consume more time than the other. This, however, is no interference with his freedom as an elector. It is the very freedom of the election that enables him to mark his ticket just as he pleases, or to make it up without regard to any name that may appear as a candidate on the ballot handed to him." (Majority opinion Pennsylvania Supreme Court, on test of constitutionality of party square, May 8, 1905.) "It may well be doubted whether the practical workings of the circle have been, as so many assume, to restrain voters from picking and choosing their candidates." (Comment of an important western newspaper.)

¹ Estimates of state authorities run from "a fraction of one per cent" in New Hampshire, and one per cent in Wisconsin, to three per cent in Iowa and five per cent in West Virginia. In Connecticut, where 191,829 were checked as having voted, 1,330 general and 777 local ballots were rejected for all causes. In Rhode Island, of 74,460 ballots cast, 898 were classed as "defective" for governor. There were 2,903 void or rejected ballots out of 438,179 in New Jersey. The dissenting opinion of Justice Dean in the Pennsylvania "party square" case states that "in the general election of last year (1904) more than 100,000 voters in Pennsylvania cast defective ballots."

almost always a considerable gap. Occasionally in a close election it is so wide that the leading elector of the minority party gets in ahead of the "tail-ender" on the winning side. In Maryland last year, the first Democratic elector came in ahead of all but the first Republican.

The returns from all but three states show that of the voters who wanted Theodore Roosevelt for president, the astonishing number of 43,650 failed to vote for the full number of Roosevelt electors to which their states were entitled. Democrats to the number of 24,168 similarly missed one or more of their party electors, as did 2,982 Populists, 3,479 Prohibitionists, and 5,411 Socialists.¹

The presidential elector under our system has absolutely no discretionary power and his personal qualifications cannot in any possible way affect the coming national administration. The worst a bad man in that position could possibly do—and none has ever done it yet—would be to let himself be bought off or desert. Even then it would not help matters to scratch his name at the election. It is a nice point of ethics whether the voter, having made up his mind whom he wants for president, should vote against any of the agents who are selected to record his vote, no matter who they may be. Yet the habit of "scratching" individual electors is more common than is generally supposed. Sometimes a popular elector of one party gets the complimentary votes of friends on the other side. More often personal spite is vented by leaving off a name or two, while rather a common method of "rebuking" a party which the voter feels bound to support with mental reservations, is to leave off the name of the first elector.

How many of the 79,690 voters who omitted some of their party's electors from their ballots did so from such reasons, and how many from accident, may be seen by a brief comparison. In the following tables are given the difference between the highest and lowest electors of each party in each state, and the percentage which that difference is of the total party vote.

¹ These figures are respectively .579 per cent of the total Republican vote of the same states, .493 of the Democratic, 2.627 of the Populist, 1.343 of the Prohibitionist and 1.384 of the Socialist.

1. Names of electors so grouped on the ballot that one mark votes them all.

	REPUBLICAN	DEMOCRAT	PROHIBITION	POPULIST	SOCIALIST
Massachusetts	68 .03	96 .06	15 .34	17 1.3	24 .17
Rhode Island.					
Minnesota	586 .27	1,249 2.26		70 3.33	268 2.29
Nebraska	703 .5	1,045 1.9	68 1.1	179 .09	65 .9
Pennsylvania	807 .09	296 .08	81 .2		22 .1
Maine ¹	20 .03	19 .07			
Vermont	40 .09	13 .13	4 .5		5 .58
North Dakota	73 .13	32 .22	4 .36	6 3.74	15 .72
Total	2,297	2,750	172	272	399
Party vote	1,659,943	688,740	54,782	26,973	61,431
Per cent.	.138	.399	.313	1.007	.649

2. Full list of party electors is printed on the ballot to be cast, and must be altered by scratching out, writing in or "stickers," in order to discriminate between electors.

	REPUBLICAN	DEMOCRAT	PROHIBITION	POPULIST	SOCIALIST
Delaware	17 .07	18 .09	3 .5		3 2.1
Connecticut	80 .07	34 .04			
Georgia	1,387 5.74	41 .05	3 .43	264 1.17	1 .52
Missouri	426 .1	436 .1	66 .9	31 .7	159 1.2
Texas	2,019 3.94	423 .25	141 3.52	83 1.02	64 2.28
West Virginia	46 .03	55 .05	291 6.3	240 72.7	4 .2
New Jersey	52 .02	47 .02	13 .19	2 .069	9 .09
Total	4,027	1,054	517	620	240
Party vote	910,601	909,528	25,699	40,360	31,845
Average	.442	.115	2.011	1.534	.754

3. Names of electors in groups. Voter crosses off all except those he wishes to vote for.

	REPUBLICAN	DEMOCRAT	PROHIBITION	POPULIST	SOCIALIST
Arkansas	322 .68	367 .57		23 .99	
Tennessee	699 .66	1,321 1.00	58 3.05	64 2.56	70 5.00
Virginia	12 .03	31 .04	1 .07		1 .5
Total	1,033	1,719	59	87	71
Party vote	200,109	276,735	4,255	5,078	3,388
Average	.516	.621	1.400	1.705	2.088

¹ Maine and Vermont chose only electors in the November, 1904, election; and as a mark in the straight ticket space voted all these at once, they are classified with the

4. Square for voting all electors at once opposite candidates' names, but in the same column with individual elector squares, and of same appearance.

	REPUBLICAN	DEMOCRAT	PROHIBITION	POPULIST	SOCIALIST
Maryland	3,803 3.6	2,172 1.9	213 71		102 4.6

5. Each individual elector must be marked in all cases.

	REPUBLICAN	DEMOCRAT	PROHIBITION	POPULIST	SOCIALIST
Oregon	804 1.3	343 1.9	35 .9	42 5.5	204 2.7
Montana	1,127 3.2	438 2.00	13 3.3	60 4.	240 4.2
Florida	1,650 19.9	900 3.4		689 43.	1,096 47.6
Mississippi	267 8.34	134 .25		108 7.7	63 1.62
Total	3,898	1,815	48	899	603
Party vote	106,890	119,716	4,141	5,303	16,025
Per cent.	3.59	1.51	1.15	16.96	10.01

6. All voters of split tickets mark the electors individually.

	REPUBLICAN	DEMOCRAT	PROHIBITION	POPULIST	SOCIALIST
Iowa	2,150 .69	415 .27	153 1.32	255 10.62	237 1.60
Louisiana	113 2.2	136 .2			15 1.5
Kansas	1,866 .87	649 .73	204 2.7	93 1.4	234 1.5
Indiana	6,060 1.6	3,957 1.4	763 3.2	116 4.8	272 2.3
Total	10,189	5,157	1,120	464	763
Party vote	892,294	555,994	42,342	10,807	43,339
Per cent.	1.14	.92	2.64	4.29	1.75

7. To mark all electors is one of the ways, but not the only way, of voting a split ticket.

states having a special circle for the group of electors. Massachusetts alone in this group provides no space for voting the electors individually. To "scratch" any one, a line must be drawn through his name, and the name of the preferred candidate written on the corresponding line in a blank "box."

	REPUBLICAN		DEMOCRAT		PROHIBITION		POPULIST		SOCIALIST	
Alabama . . .	213	.94	96	.12	68	11.14	69	1.38	47	5.53
California . . .	1,447	.7	476	.5	51	.7			361	1.2
Idaho	452	.9	279	1.5	14	1.4	2	.6	81	1.6
Illinois	2,813	.4	2,187	.6	478	1.4	150	2.2	577	.8
Kentucky . . .	2,855	1.4	3,430	1.6	190	2.9	201	8.	153	4.2
Michigan . . .	3,556	.9	1,483	1.	139	1.	8	.6	136	1.5
New Hampshire.	4	.007	3	.009	2	.26	2	.25	27	2.45
New York . . .	365	.04	159	.03	37	.17	16	.21	40	.1
Ohio	3,014	.5	378	.1	214	1.1	14	1.	469	1.3
South Dakota . .	560	.7	157	.7	34	1.1	15	1.2	26	.8
Utah	238	.38	71	.21					18	.31
Washington . .	1,091	1.07	160	.57	40	1.2	19	2.8	87	.87
Wisconsin . . .	1,474	.5	358	.3	49	.5	33	6.2	144	.5
Wyoming	21	.10	58	.65	22	10.4			12	1.1
Colorado	350	.25	206	.20	12	.35	111	13.5	34	.78
Total	18,453		9,501		1,350		640		2,238	
Party vote . .	3,732,531		2,245,720		127,138		28,594		243,819	
Per cent. . . .		.494		.426		1.062		2.237		.917

The aggregate differences between highest and lowest votes for Socialist Labor electors was 484 or 1.507 per cent of their total in the entire United States.

So far as this slighting of individual electors is deliberate and intentional, it will be seen to follow the rules already observed in the vote for other offices. Thus we have, to begin with, two groups in which the easy and natural thing is to vote for all electors at once. Many more vote against unpopular electors in the states where this may be done by crossing off a name or two, than in those where it involves a more complicated process. Yet it cannot be doubted that mistake and not intention is responsible for all but a small part of the difference which commonly occurs between a party's highest and lowest elector. If it were intentional, the elector with the largest vote would be as likely to be found in one place as another on the ballot. As a matter of fact out of thirty-five states for which these data are at hand, the Republican elector having the largest vote was the first on the list in thirty and the second in one. The leading Democratic elector was the first on the list in twenty-two states and the second in five. The leading Prohibition elector was the first named in twenty-one states out of twenty-nine and the second in two, the leading Populist the first in fourteen states

out of twenty-three and the second in five others, while the leading Socialist elector was the first named in twenty-eight out of thirty-three states and the second in two others. Similarly, the elector with the lowest vote was the one whose name came last or next to last twenty-four times in the Republican column, fourteen in the Democratic, eleven in the Populist and nineteen in the Socialist. Often the vote tapers down with the greatest regularity between. Either because they suppose that to mark a few names carries all, or because they do not count correctly, or because they tire before the end of the list, many thousands of voters have certainly stopped marking somewhere on the way. The length of the list of electors, of course, varies from three to thirty-nine, but this seems to have very little effect on the number who thus fail to reach the end of it.

If we assume that the figures in the first group represent the proportion of voters who will "normally" vote against electors of their party whom they do not like, then we find that, in the ballots most inviting error by their requirement of marking every name, twenty-four times as many Republicans, proportionately, failed to vote for the full list, four times as many Democrats and Prohibitionists, fifteen times as many Socialists and sixteen times as many Populists. Much of this difference is certainly due to downright blundering. We have additional proof here of the degree to which the form of ballot influences the vote. Thus the states which have ballots designed to encourage independent voting on offices in general, but to deter favoritism among electors of the same party, rank among the highest in the former comparison and among the lowest in this. In some instances, there is especial excuse for error. In Maryland the so-called "trick" ballot grouped the electors in a "box" with the names of the presidential candidates on the first line. A mark in the space opposite their names was counted for all eight electors. The most common mistake in 1904 was for a voter to mark after the name of elector number one, thinking that this would be counted for all. More Republicans proportionately did this than Democrats, with the result that not only was the vote of the state divided, but seven-

eighths of it went to the party which really mustered the fewer voters. Interesting, too, are the Florida and Mississippi figures. In these states the names of electors were simply printed in a column, with no party designation, and in Florida even unseparated, so that there was nothing to show where one party's candidates ended and the next began. As the Democratic electors were named first in these states, it was comparatively easy to mark down to the proper point in voting that ticket. But an ignorant voter might well be puzzled by the instruction to mark say, from the eleventh to the fifteenth inclusive. Hence the extraordinary proportion of error. These ballots, which, as our original classification shows, belong to the same general division with the purest Australian types, serve the partisan purpose in these cases of bewildering the illiterate negroes.

A person of any intelligence, who knows how to read and has taken the trouble to find out the names of the candidates, ought seemingly to have no difficulty in casting his vote correctly even with the most confusing of these forms. But the foregoing figures show, if nothing else, the proclivity of the American voter to make mistakes where there is any possible excuse for his doing so. It is this which makes it impossible to say of any type of ballot, "This is the best, and every community should adopt it." We know that the straight ticket circle discourages independent voting, which is the same thing as saying that it improves the bad candidate's chances of being "pulled through" by the popularity of the good candidate of his party. But in letting the illiterate man vote, we assume that he is competent to decide at least which party he wants to put in power. The party circle with the picture over it may conceivably in some communities be the only system under which he can vote without blunders. A state which contains many such illiterates and is determined to let them vote must therefore decide, before fixing on any form of ballot, whether in view of its peculiar conditions haphazard voting or hide-bound voting is the lesser evil.

Except in Maryland the differences between electors of the same party had no influence on the results in 1904. In fact, so far as this particular election is concerned, the foregoing

table is hardly more than a political curiosity. Yet such differences might easily become a factor of great importance in a close election. The carelessness or caprice of voters has seven times in the last four elections resulted in dividing the electoral vote of a state. The highest Democratic elector came in ahead of the lowest Republican in Ohio and in California in 1892, and in California and Kentucky in 1896, while Oregon chose one Populist elector in 1892 and North Dakota one Republican, one Democrat and one Populist.¹ Should this condition occur again in an election as close as that of 1876, it would be the deciding factor. If in 1896, for instance, Mr. Bryan had carried the four states of Illinois, Indiana, Delaware and West Virginia he would have been elected president by one vote, simply because the Republicans of California and Kentucky had failed to support all their party's electoral candidates. The possibility that the presidency might be disposed of by such a miscarriage of the popular will is a serious objection to our present electoral system.

The secretary of state of an important state writes :

The practice of printing the names of electors is a bad one. The constitution of the United States provides that the electors shall be appointed in such a manner as the legislature of each state shall determine. The voters should vote directly only for the candidates for president and vice-president, and the state returning board should give to each elector of the party as many votes as were received by the candidates for president and vice-president.

The suggestion is at least interesting.

As regards the general difficulties with electoral machinery, the remedy oftenest discussed is the use of the voting machine. The two conspicuous merits of this contrivance are that it disposes absolutely of delays and disputes in the counting of votes and, if properly constructed, renders it mechanically impossible to vote incorrectly. The careless voter, for instance, cannot

¹ In California in 1892 the plurality of the highest Republican elector over the highest Democrat was but .24 per cent of the Republican's vote. In Ohio that year, the corresponding difference was .26 per cent, in California in 1896 it was 1.31, and in Kentucky in that year .12.

indicate two candidates for the same office. But after these great advantages are granted, the machine is, after all, nothing but a blanket ballot in which a lever, button or key takes the place of the cross-mark or other stamp. Except those involving "stickers" or the writing-in of names, any of the forms of ballot now in use in the United States may be embodied in a voting machine. The conclusions drawn from the figures here presented are therefore applicable just as much to the arrangement of the voting machine as to the arrangement of the paper ballot. If it is twenty times as much trouble to vote a split as a straight ticket, few persons are going to choose the former, whether the unit is a pencil mark or the movement of a celluloid button. The fear of making a mistake that will invalidate entirely is, it is true, removed, and this should give the voter a greater sense of freedom, but the argument of least resistance applies nevertheless. It is thus very important that a locality which proposes to install voting machines should secure a kind that will conform to the sort of ballot found to be adapted to the needs of that place. A state accustomed to a ballot which requires the marking of every name is simply undoing its good work if it installs voting machines which have a straight party lever or knob. It is virtually letting the designer of the machine nullify the provisions of the election law.

This is a period in which the importance of little things is being more and more recognized. Advertising experts have learned to estimate the psychological value of various typographical arrangements. Railroad companies have conducted expensive tests to determine what style of type in their timetables will be read with the minimum of mistakes and thus save their patrons from missing trains through misreading the starting time. At least as careful attention should be given to the make-up of that most potent of all sheets of paper, the ballot.

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